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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,203	01/04/2002	Louis V. Aronson II	RONSON 3.0-005	2048

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EXAMINER

COCKS, JOSIAH C

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/039,203

Applicant(s)

ARONSON ET AL.

Examiner

Josiah C. Cocks

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Preliminary Amendments

1. The preliminary amendments filed 4/11/02 (paper #6) and 9/16/02 (paper #7) are acknowledged. These amendments have been entered.

Drawings

2. The formal drawings filed 4/8/02 are accepted by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 4-6, 8-13, 15-17, 19-26, 28-34, 36, 37, 39-41, 43-47, 49, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Saito et al.* (US # 6,022,212) (cited by applicant in IDS filed 3/12/02) (hereinafter "*Saito '212*") in view of *Kim* (US # 5,462,432) (cited by applicant in IDS filed 3/12/02).

Saito '212 discloses in Figures 1-24 a method and an igniter substantially as described in applicant's claims 1, 2, 4-6, 8-13, 15-17, 19-26, 28-34, 36, 37, 39-41, 43-47, 49, 50, and 52, including a stop member (25b), housing (6), fuel reservoir (7), nozzle (10) actuating assembly for releasing and igniting fuel (8), trigger (20), trigger guard (6a) and a trigger lock/slider (25) that is coupled to the trigger and is spring biased via spring (26). The trigger lock/slider (25) functions to be moved along a path from a position where the lock interferes with the trigger (see Figs. 1 and 4A) upwards along a first path at an angle greater than 30° to a position where the trigger is free to move in a second linear path (see Figs. 3A, 3B, and 4B) wherein the actuating assembly is activated for releasing fuel and igniting the fuel via igniter (22).

Saito '212 possibly does not disclose that the slider is moveable along the trigger body or that the angle of the second path is about 50°.

Kim teaches an igniter in the same field of endeavor as *Saito '212* wherein the igniter of *Kim* shows a trigger (2) including a slider portion (3) that functions to lock and unlock the trigger and is moveable along the trigger body (see Figs. 1 and 2).

In regard to the limitations of the claims specifying the angle of the second path as about 50°, this angle would be dependent upon such factors as the angle of the trigger body with

Art Unit: 3743

respect to the housing and is regarded as simply a matter of design choice absent the showing of any new or improved results over the prior art of record.

Therefore, in regard to claims 1, 2, 4-6, 8-13, 15-17, 19-26, 28-34, 36, 37, 39-41, 43-47, 49, 50, and 52, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the igniter of Saito '212 to incorporate the slider location and path of movement as taught by *Kim* for the desirable purpose of providing a locking device that is difficult for young children to operate and prevents inadvertent ignition (see *Kim*, col. 2, lines 22-37).

6. Claims 3, 7, 14, 18, 27, 35, 38, 42, 48, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Saito* '212 in view of *Kim* as applied to the claims in item 5 above, and further in view of *Yamasaki* (US # 5,531,591).

Saito '212 in view of *Kim* teach all the limitations of claims 3, 7, 14, 18, 27, 35, 38, 42, 48, and 51 except that the trigger path is an arcuate path or the trigger boy is pivotably attached to the housing.

Yamasaki teaches an lighter in the same field of endeavor as both *Saito* '212 and *Kim* wherein the lighter of *Yamasaki* includes a trigger (5) and lock member (6) wherein the trigger that moves in an arcuate path and is pivotably attached to a housing (see Fig. 5).

Therefore, in regard to claims 3, 7, 14, 18, 27, 35, 38, 42, 48, and 51, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the lighter of Saito '212 to incorporate the arcuate and pivotal attachment of *Yamasaki* as pivotal

Art Unit: 3743

motion of the trigger is regarded in the art as an effective means for engaging an ignition device and releasing fuel via a valve mechanism (see *Yamasaki*, col. 2, lines 42-62).

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Man* (US # 6,200,130), *Sung* (US # 6,264,463), *Hirota* (US # 6,287,109) and JP 2003-14230 are included to further show the state of the art concerning lighters with trigger lock structure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (703) 305-0450. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett, can be reached at (703) 308-0101. The fax phone numbers for this Group are (703) 308-7764 for regular communications and (703) 305-3463 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc
August 1, 2003


JOSIAH COCKS
PATENT EXAMINER
ART UNIT 3743